



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RCH:AXB/LAZ
F. #2022R01030

*610 Federal Plaza
Central Islip, New York 11722*

August 12, 2024

By ECF

The Honorable Joanna Seybert
United States District Judge
Eastern District of New York
100 Federal Plaza
Central Islip, New York 11722

Re: United States v. George Anthony Devolder Santos
Criminal Docket No. 23-197 (S-2) (JS)

Dear Judge Seybert:

The parties respectfully write in advance of the pre-trial conference scheduled in this matter for August 13, 2024 at 10:30 a.m., to identify certain issues to address with the Court at that time:

- Pretrial Deadlines: On July 24, 2024, the Court entered a pre-trial scheduling order, in which it, among other things, set a deadline for a joint proposed exhibit and witness list of August 26, 2024. Previously, on January 23, 2024, the Court adopted a pre-trial schedule requiring the parties to exchange exhibits and lists of witnesses by August 19, 2024. See ECF Nos. 58, 59. The parties seek to confirm the date by which they must exchange exhibits and lists of witnesses.

The government further notes that the Court's schedule order requires the production materials pursuant to Federal Rule of Evidence 404(b) by August 19, 2024. By letter dated April 11, 2024, the government provided defense counsel with notice pursuant to Rule 404(b) of certain other acts; it has also produced materials related to these other acts during the course of satisfying its discovery obligations under Federal Rule of Criminal Procedure 16. The government seeks clarification from the Court as to whether any further steps are required to satisfy the Court's scheduling order on this matter.

- Jury Selection and Commencement of Trial: Defense counsel has moved for the Court to administer a juror questionnaire to prospective jurors, which the government opposes. As such, the parties seek guidance from the Court on whether it plans to administer a questionnaire, as well as the process by which the Court anticipates

conducting jury selection more generally. Relatedly, because the length of jury selection is uncertain, the parties respectfully propose that the Court set a date for the commence of opening statements and presentation of the government's case-in-chief of September 16, 2024. Because many of the government's witnesses will be traveling to the courthouse from out of state, it will facilitate the efficiency of proceedings if the government can identify the date on which it should plan to begin presenting its case. The government respectfully suggests that jury selection is unlikely take more than one week. The defense also does not anticipate jury selection to take more than one week, particularly with the use of a questionnaire. However, the defense submits that thoroughness in selecting a fair and impartial jury should take precedence over adhering to a predetermined schedule.

- Trial Schedule: The government presently anticipates that its case-in-chief will take approximately three weeks to present to the jury, not including jury selection, and accounting for not holding trial on Fridays. As a result, trial may still be ongoing during the Jewish holiday Rosh Hashanah, which runs from the evening of October 2, 2024 to October 4, 2024. The parties wish to confirm whether the Court anticipates sitting during that time.

Respectfully submitted,

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cc: Defense Counsel (by ECF)
Clerk of the Court (JS) (by ECF)